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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,656	02/04/2002	Jean Francois Bernat	PRINZ H1740	6951
7590 10/02/2003				
Norman P. Soloway HAYES SOLOWAY, P.C. 130 W. Cushing Street Tucson, AZ 85701			EXAMINER GUSHI, ROSS N	
			ART UNIT 2833	PAPER NUMBER

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,656

Applicant(s)

BERNAT ET AL.

Examiner

Ross N. Gushi

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 6-14 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-4 and 15-17 is/are rejected.
- 7) ☐ Claim(s) 5 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/29/03 has been entered.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Salisbury. Salisbury disclose a plug in jack comprising a jack contact consisting of a retaining part 16 and a jack 24, said jack being mounted on the retaining part so as to be pivotable by a limited angle and capable of longitudinal movement.

Per claim 2, said retaining part comprises a head portion 23, an adjoining annular groove 22 and a collar adjoining 21 said annular groove and wherein said Jack comprises spring shackles 25 engaging with said annular groove.

Per claim 3, the shackles have free ends provided with one hook (at 25) on each of the free ends.

Per claim 15, the retaining part is capable of being mounted on a surface.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salisbury as in claim 1 in view of Evans.

Regarding claims 16 and 17, Salisbury does not show the details of the plug part except for showing pin 32 extending from electron tube 12. Evans discloses a plug in part including housing 56 and a contact capable of mating the jack contact discussed regarding claim 1, the plug contact including a plug in portion, and anchor portion and a surface mountable connection portion. At the time of the invention, it would have been obvious to use a plug part structure as disclosed by Evans in the Salisbury plug. The suggestion or motivation for doing so would have been to mount the plug contacts securely as taught by Evans.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salisbury as in claim 3 in view of Linde. To the extent that the Salisbury jack is arguably not barrel shaped, Linde discloses a jack that is barrel shaped. At the time of the invention, it would have been obvious to change the shape of the Salisbury jack (at least the central portion) to be barrel shaped as taught in Linde. Such modification to the shape of the jack would have been a matter of obvious engineering design choice absent evidence that the particular choice of shape of the jack would have been significant. In re Dailey, 149 USPQ 47 (CCPA 1966).

Response to Arguments

Regarding the term "SMT connection," the examiner accepts applicant's argument that SMT refers to "portions capable of being mounted on a surface."

Applicant's arguments with respect to the rejections over the prior art have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 5 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, for the reasons previously indicated.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (703) 306-4508. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached at (703) 308-2319. The phone number for the Group's facsimile is (703) 308-7766

rng

A handwritten signature in black ink, appearing to read "Ross Gushi", is located at the bottom right of the page.